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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,094	01/18/2002	David Marples	1365	5824

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EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2/9

Office Action Summary	Application No. 10/052,094	Applicant(s) MARPLES ET AL.	
	Examiner Oanh L. Duong	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 8, 10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 8, 10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 6, 8, 10 and 12 are presented for examination.

Claims 2-5, 7, 9, 11 and 13-15 have been cancelled.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/16/2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (US 2001/0020273 A1) in view of Calhoun (6,463,475 B1).

Regarding claim 1, Murakawa teaches a method performed by a hub (i.e., security gateway 203) for bypassing an access blocking apparatus (i.e., NAT) and thereby enabling a first device (PC 101) to allow communications from any of a plurality of a second devices (i.e., PC 106) said method comprising:

assigning an IP address to the first device and associating the IP address with the virtual pipe (i.e., virtual work on LAN 104 in the VPN communication, see page 4 paragraphs 93-98).

receiving communication originated by any of the second devices and addressed to said IP address (i.e., a private **IP address** used for terminals on LAN 104 during a IKE communication, page 4 paragraphs 95-97),

routing the communications addressed to said IP address to the virtual pipe (page 2 paragraphs 29-36 and page 4 paragraphs 88-89),

and tunneling the communications over the virtual pipe to the first device thereby bypassing the access blocking apparatus (page 2 paragraph 45 and page 4 paragraphs 88-89 and 98).

Murakawa does not explicitly teach terminating/switching virtual pipe functionality.

Calhoun, in the same field of endeavor, teaches terminating a virtual pipe from the first device (col. 4 lines 46-59). Calhoun teaches such tunnel terminating/switching function would control of tunnel access to the destination network/device and thereby reducing congestion at destination (col. 2 lines 60-62). For this reason, it would have

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been obvious to one having ordinary skill in the art to have utilized the terminating/switching a virtual pipe function of Calhoun in the process of enabling

Regarding claim 6, Murakawa-Calhoun teaches terminating a second virtual pipe from one of the second devices (Calhoun, col. 4 lines 46-59), assigning a second IP address to the one of the second devices (Calhoun, col. 8 lines 38-51), and receiving communications from the one of the second devices through the second virtual pipe (Calhoun, col. 9 line 18-25).

Regarding claim 8, the system of claim 8 has a corresponding method of claim 1; therefore, claim 8 is rejected under the same rationale as applied to claim 1.

Regarding claim 10, Murakawa-Calhoun teaches virtual pipe between one of the second devices and said secure hub (Murakawa, page 1 paragraph 5), and wherein said means for associating associates a second IP address from the pool of available IP addresses with the second virtual pipe (Murakawa, virtual work on LAN 104 in the VPN communication, see page 4 paragraphs 93-98), and whereby said means for tunneling tunnels said communications from the one of the second devices through the second virtual pipe (Murakawa, page 2 paragraph 45 and page 4 paragraphs 88-89 and 98).

Regarding claim 12, a system of claim 12 has a corresponding method of claim 1; therefore, claim 12 is rejected under the same rationale as applied to claim 1.

Response to Arguments

3. Applicant's arguments filed 07/22/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation "the first device is **on local network**, the second devices are external to this local network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., IP address gives the local device an appearance on the external network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
October 15, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER